

**ENTERED**

October 30, 2015

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:15-CR-00759-1
	§	
DEMETRIO BENAVIDEZ JR.	§	

**OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE**

On October 30, 2015, Defendant Benavidez orally moved for a continuance of the final pretrial conference and jury selection and trial because the Defendant and counsel had not yet had adequate time to consider and further negotiate the terms of a plea agreement with the United States Attorney. The United States was unopposed to the motion.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until **Friday November 13, 2015, at 9:00 a.m.** before undersigned and schedules the jury selection and trial for **Monday, December 7, 2015** at 9:00 a.m. before Hon. Nelva Gonzales Ramos.

ORDERED this 30th day of October, 2015.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE